



County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

A. PURPOSE

The purpose of the Yolo County Alcohol and Drug Abuse Policy is to provide a uniform countywide process for addressing alcohol and drug abuse problems in the workplace. The policy and testing procedures established to carry out the provisions of this policy are designed to ensure a drug-free workplace, provide an employee the opportunity for rehabilitation if reasonably possible and appropriate under the circumstances, and to outline the responsibilities of County managers and employees. Of primary concern to Yolo County is that its employees and applicants for employment are in a condition to perform their duties safely, effectively, and efficiently in the interest of their fellow workers, themselves, and members of the public. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective. Yolo County will not discriminate against rehabilitated employees and applicants because of a past history of drug and/or alcohol abuse.

B. POLICY STATEMENT

It is the policy of Yolo County to maintain a safe work environment conducive to effective County government operations. All personnel, equipment, and operating practices are required to be consistent with the highest standards of health and safety. The presence of illegal drugs, non-prescribed drugs, or the improper use of prescribed drugs in the workplace, and the influence of these substances on employees during working hours is inconsistent with effective government. As a public employer, the County is entrusted with the health and safety of its citizens, and the efficient operation of its public services.

1. County policy requires that all employees will not:

- a. Be under the influence or have in their system any amount of alcohol that could impair their ability to perform the duties of the position while on the job or while assigned standby duty. Any amount of alcohol is considered positive for purposes of this policy.
- b. Be under the influence or have in their system an illegal or non-prescribed drug, or any other drug that could impair their ability to perform the duties of the position while on the job or while assigned standby duty. Levels considered positive for drugs are outlined in Section VIII of this document.
- c. Consume alcohol, unlawfully use drugs, or possess illegal drugs while on Yolo County property while on duty or assigned standby duty.
- d. Unlawfully manufacture, sell or provide drugs or alcohol to any other person while such employee is on duty.

2. County policy requires that all employees will:

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

- a. Notify their supervisor and/or manager when taking medications, prescription or otherwise, which may impact their work performance or ability to safely perform their assigned job duties.

C. DEFINITIONS

1. Reasonable Suspicion

Reasonable suspicion is a belief based on objective facts sufficient to lead a prudent manager, supervisor, or co-worker to suspect that a County employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired, or so that the employee's ability to perform the job in a safe manner is reduced.

The following may give rise to a reasonable suspicion of belief that an employee is under the influence of drugs or alcohol:

- (a.) Observable phenomena, such as direct observation of drug or alcohol use, or possession, and/or the physical symptoms of being under the influence of a drug or alcohol;
- (b.) Incoherent or slurred speech;
- (c.) Odor of alcohol on the breath;
- (d.) Inability to appropriately respond to questions the employee should reasonably be capable of answering;
- (e.) Unsteady walking and movement, disorientation, or loss of balance;
- (f.) Physical symptoms of alcohol or drug influence (red and watery eyes, if not explained by environmental causes);
- (g.) A pattern of abnormal, erratic, paranoid, or bizarre behavior; or
- (h.) Unexplained drowsiness

Reasonable suspicion shall exist when two supervisors and/or managers can articulate and substantiate behavioral, performance, or contemporaneous physical indicators of being under the influence of drugs or alcohol on the job or while assigned standby duty. The objective indicators should be recognized and accepted symptoms of intoxication or impairment caused by drugs or alcohol and should be indicators not reasonably explained as resulting from causes other than the use of such substances. Cause is not reasonable, and thus not a basis for testing if it is based solely on the observation and reports of an anonymous third party.

County of Yolo
Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

2. **Illegal Drugs**

For purpose of this policy, drugs shall be Amphetamines, Marijuana, Cocaine, Opiates, and Phencyclidine, or any other controlled substance as defined by section 802 (6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title.

3. **Prescription Drugs**

A drug lawfully available for retail purchase only with a valid prescription.

4. **Alcohol**

Any form of consumable alcohol (ethyl) in any strength (proof) in any quantity.

5. **Employee**

For purposes of this policy an employee is any person who is performing duties, or service to the County or in the County's behalf for any number of hours on any day of the week at any time. This includes, but is not limited to, all employees including supervisors, management, part-time employees, student interns, or work experience individuals.

6. **Subject to Call or Duty/Standby Duty**

Subject to call or duty shall be defined and controlled by an employee's applicable Memorandum of Understanding under the provisions of standby duty. In most instances it will refer to an employee who is on assigned standby duty, which requires that the employee refrain from activities that might impair that person's ability to perform assigned duties. An employee who is not assigned to standby duty and is called back to work shall have the right and be required to communicate to management his/her inability to perform job duties.

D. APPLICATION OF POLICY

1. **Scope:**

This policy applies to employees and applicants for positions with Yolo County. However, those County positions which fall under the category of public safety officers, as defined in the California Penal Code, may have procedural requirements specific to those classifications for which other types of drug and alcohol testing is required by the employing department, or permitted by law. In keeping with its obligation to maintain a healthy, safe, and efficient work force the County will require that final candidates being considered for employment with the County undergo and pass a drug and alcohol screening procedure as a condition of employment.

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

2. Compliance:

Compliance with this policy is a condition of continued employment. When reasonable suspicion exists, an employee's refusal to immediately submit to an alcohol and/drug test when requested by County management in accordance with this policy, or law enforcement personnel, may constitute insubordination and may be grounds for disciplinary action up to and including termination. Employees who are reasonably suspected of being under the influence of alcohol or drugs shall be prevented from engaging in further work and may be detained for a reasonable time until able to safely be transported from the work site.

3. Prescribed Medications:

The use of medically prescribed medications and drugs in compliance with physician instructions is not a violation of this policy. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required by County management.

Prior to beginning work, if employees know of certain side effects they shall notify their immediate supervisor and/or manager that they are taking medications, which may impact their work performance and/or their ability to safely perform their job duties.

If while using physician prescribed medications at work, the employee becomes aware of any side effects that do or may impact their work performance and/or their ability to safely perform their job duties, the employee must immediately notify their supervisor.

4. Reporting:

Any employee who reasonably suspects that another County employee, department head, manager, or supervisor is under the influence of alcohol or drugs during work hours shall call Human Resources and report his/her suspicions to the Assistant CAO-Human Resources or the Affirmative Action Coordinator who will be responsible for deciding the appropriate action to take. If an employee finds drugs or is exposed to drugs in the work place, the employee shall immediately report this to their supervisor.

E. EMPLOYEE ASSISTANCE PROGRAM

The County of Yolo has established a voluntary Employee Assistance Program (EAP) to assist those employees who may choose to voluntarily seek help for drug or alcohol problems.

The County is strongly committed to encouraging its employees to voluntarily and confidentially seek assistance from the Employee Assistance Program or any other program designed to assist them in overcoming drug or alcohol abuse. However, the County will be firm in dealing with and disciplining those employees who are substance abusers, and whose substance abuse adversely affects their work

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

performance, job safety, or the public's interest. The EAP will be administered separately from the testing program, and shall be available to all employees without regard to a finding of drug use.

F. MANAGEMENT RESPONSIBILITIES AND GUIDELINES

1. Managers and supervisors are responsible for reasonably enforcing the provisions of this policy.
2. Managers and supervisors may order that an employee submit to a drug and/alcohol test when a manager or supervisor has a reasonable suspicion that an employee is under the influence of drugs or alcohol while on the job or assigned standby duty. Two managers and/or supervisors must concur in the determination that reasonable suspicion exists.
3. If two managers and/or supervisors make an observation of an employee that leads them to believe it may constitute reasonable cause for drug or alcohol testing, the manager or supervisor will notify the employee of the suspicions, and inform the employee that he/she may have an employee representative (i.e union representative, union steward, or a co-worker of the employee's choosing) present during the discussion and testing stage, provided that such employee representation can be provided within forty-five (45) minutes from the time of employee notification.

The employee will be offered an opportunity to give an explanation of his/her condition.

4. Any manager or supervisor requesting that an employee submit to a drug and/or alcohol test must document in writing the facts and observations that led him/her to reasonably suspect that the employee in question was under the influence of drugs or alcohol. These facts and observations are to be shared with the employee at the time of the directive to submit to a drug and/or alcohol test. Written documentation shall be submitted to the department head within two (2) working days from the date of the request. A copy will be sent to Human Resources and the employee at the same time.
5. Managers and supervisors may search County property and the contents therein when there is reasonable suspicion to believe that unauthorized drugs and/or alcohol are present. Such searches shall be conducted only with the knowledge and concurrence of the department head or his/her designee in the presence of the employee and an employee representative, if requested by the employee. If a supervisor or manager desires, they may request assistance from the Sheriff's department in any searches.
6. Any manager or supervisor who directs or conducts a search of County property and the contents therein must document in writing, within two (2) work days of the search, the reasons that led him/her to reasonably suspect the presence of unauthorized drugs and/or alcohol. A copy shall be provided to the Department Head, Human Resources, and the employee.

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

7. The department head or designee shall notify the appropriate law enforcement agency if illegal drugs are found on County property.

G. MANAGEMENT AND SUPERVISORY TRAINING

Managers and supervisors have a key role in establishing and monitoring a drug-free workplace. To the extent that is reasonably possible, Yolo County will provide training to assist supervisors and managers in recognizing and addressing drug or alcohol use by employees. All new supervisors will be provided training. The purpose of this training is to promote understanding of County policies relevant to work performance problems, drug and alcohol misuse in the work place, the circumstances under which searches can be conducted, the services provided through the Employee Assistance Program, County procedures for referring employees to the EAP, how employee performance and behavioral changes should be recognized and documented, skills in confronting employees with possible problems, and the proper disciplinary approach in dealing with drug and alcohol abuse problems.

H. DRUG TESTING LEVELS

The initial drug testing shall use immunoassay techniques, which meet the requirements of the U.S. Food and Drug Administration for testing levels. The following initial cutoff levels shall be used to determine what levels of detected substances shall be considered as positive for urine samples:

SUBSTANCE	*INITIAL TEST LEVEL (ng/ml)
Marijuana	100
Cocaine	300
Opiates	300
Phencyclidine	25
Amphetamines	1000

Confirming tests shall be done using gas chromatography/mass spectrometry techniques. All information shall be done by quantitative analysis. The following cutoff levels shall be used to determine what levels shall be considered as positive:

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

SUBSTANCE	*CONFIRMATORY TEST LEVEL (ng/ml)
Marijuana	15
Cocaine	150
Opiates	300
Phencyclidine	25
Amphetamines	500

If required, blood samples will be evaluated at the following cutoff levels:

SUBSTANCE	*CONFIRMATORY TEST LEVEL (ng/ml)
Marijuana	No blood test level
Cocaine	25
Opiates	50
Phencyclidine	5
Amphetamines	25

*These test levels are subject to change by the U.S. Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations. The County may update these cutoff levels as necessary to respond to future changes in technology, the above stated federal guidelines, or other state regulations.

I. DRUG AND ALCOHOL TESTING PROCEDURE

The alcohol and drug test may test for any legal or illegal substance, which could impair an employee's ability to effectively and safely perform the functions of the job. These include but are not limited to marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine (PCP), amphetamines and ethyl alcohol. Testing will only be done by a laboratory that has been duly certified by the State of California.

1. Application

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

Drug and alcohol tests may be administered under the following circumstances:

- All new hires will be required to undergo a pre-employment drug and alcohol screening examination as a condition of employment with the County.
- As a condition of being promoted into selected safety and security sensitive positions which require testing.
- When an employee shows signs of impairment on the job and there is reasonable suspicion to believe it is drug or alcohol related.
- After any accident when there is reasonable suspicion to believe it is drug or alcohol related.
- As a condition of a drug or alcohol free trial period, which has been agreed to by the employee and the County or in accordance with the provisions of a drug rehabilitation program after an individual has tested positive for drug or alcohol abuse.

2. Pre-Employment Testing Procedure for Applicants

- a. Every recruitment announcement for County vacancies will include a statement of the County's drug and alcohol testing policy for applicants. In addition, each final applicant will be notified that appointment to the position will be contingent upon a negative drug and alcohol test result.
- b. All potential new hires will be required to undergo and pass a drug and alcohol test as a condition of employment with Yolo County.
- c. The drug and alcohol test will be scheduled by Human Resources and will generally be given during the same time as the pre-employment medical examination is given. Urine specimens shall be collected in a respectful manner by medical staff.
- d. Pre-employment applicants must complete a "Consent and Waiver For Laboratory Testing" and "Medical Evaluation and Consent" form before they are tested.
- e. Urine specimens (or blood specimens if required for the position) will be collected in one tamper-resistant container. The sample will be immediately sealed in the presence of the applicant, then initialed by the employee and forwarded to the laboratory for drug and alcohol testing. Before conducting the test, the laboratory will separate the collected sample into two separate containers. One of the two samples will be sealed and retained by the laboratory in the event a second test will be needed.

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

- f. After conducting the test, the laboratory will notify the designated individual in Human Resources of the examination results.
- g. An applicant who has tested positive for drugs will be contacted by a designated individual from Human Resources. A private and confidential meeting will be held with the applicant in which he/she will be informed of the exam results and will be given the opportunity to respond. The opportunity to have a second confirming test will be provided to those that request such an examination. The results of the second test will be controlling.
- h. If the drug test is positive at the pre-employment stage, the applicant must provide to Human Resources, within 3 days of request:
 - (1.) a valid prescription, or
 - (2.) verification from the individual's physician for a valid prescription; and/or,
 - (3.) a written documented explanation of the positive test.

Human Resources will evaluate the submitted information and determine if the explanation satisfactorily negates the positive drug test.

- i. Failure by an applicant to pass the drug and alcohol test, including Human Resource's review of the appeal documentation, or to provide the requested prescription verification will result in the individual not being hired.
 - j. Applicants who test positive for a drug test and are rejected from employment may reapply after 6 months but will be subjected to the same qualifying requirements for County employment.
3. Testing of Employees Based on Reasonable Suspicion
- a. An employee who is suspected of being under the influence of alcohol or drugs in the workplace, or while subject to being called back to duty, may be required to undergo an alcohol and drug test if the decision is based on a reasonable and articulable belief (by two managers and/or supervisors) evidenced by direct observation of specific, physical, behavioral, or performance indicators of probable use. If only one supervisor is on site at the time of the initial observation, another supervisor or manager should be called to report to the scene to make a second observation. Each Department will be responsible for working out procedural details of who should be called or notified and how supervisors should handle after-hours or weekend incidents.
 - b. Two managers and/or supervisors will meet and notify the employee of their suspicion(s), and determine from that meeting if there is reasonable suspicion to believe that the employee may be under the influence of alcohol or a drug. The employee will be offered an opportunity

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

to give an explanation of his/her condition. The employee shall be advised that she/he may have an employee representative (i.e., union representative, union steward, or co-worker) present during the discussion and testing stage provided that such representation can be provided within 45 minutes from time of employee notification. The employee will be given access to reasonable phone calls and assistance in trying to reach a representative.

- c. A manager or supervisor may direct that an employee submit to a drug and/or alcohol test. Such a directive shall be in writing and be signed by the requesting manager or supervisor before the employee undergoes the test. Managers and supervisors are to use the Form entitled "Drug and Alcohol Testing Notice". Forms are available by contacting the Human Resources Department.
- d. If there is reasonable suspicion that the employee is under the influence, the manager or supervisor will call Human Resources to schedule the necessary drug and alcohol test. If scheduling by Human Resources is not possible due to a department's 24-hour or weekend work schedule, or if the incident occurs during a holiday, a department can make alternate arrangements for the testing to be performed by qualified medical staff. A listing of available specimen collection sites will be available from Human Resources.
- e. If an employee refuses to submit to a requested drug and/or alcohol test, that person will be informed (by the requesting manager or supervisor) of the County's drug and alcohol testing requirements and the possibility of disciplinary action up to and including termination for refusing to take the test as directed.
- f. If an employee states that they are 'unable' to give a specimen, the employee will remain at the collection site until a specimen is collected. The supervisor shall remain with the employee.
- g. An employee suspected of being under the influence will be driven to the testing laboratory for the necessary drug and/or alcohol test. The department will make every reasonable effort to prevent an employee who refuses to take this test from leaving County premises until the employee can be safely transported home. Supervisors and managers should transport the employee in teams of two. Department Heads should work out procedural details on how transport should be accomplished within their individual department and inform supervisors of the expected procedures to follow.
- h. Any manager or supervisor requesting that an employee submit to a drug and/or alcohol test must document in writing the facts and observations that led him/her to reasonably suspect that the employee in question was under the influence of drugs or alcohol.

A "Checklist for Supervisors" form is preferred for this documentation and is available from Human Resources.

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

Such documentation shall be submitted to the department head within two working days from the date of the request. A copy shall be sent to Human Resources and a copy provided to the employee. In addition, the employee shall be given a written letter directing the employee to submit to the drug and/or alcohol test prior to taking the employee for specimen collection. Samples of these letters are also available from Human Resources.

- i. When there was reasonable suspicion to believe an employee had been under the influence of alcohol or drugs, and the County is awaiting the results of a drug and/or alcohol test, the employee may be relieved of assigned job duties and placed on paid administrative leave, reassigned until the test results are available, or returned to duty depending on the Supervisor's assessment of the employee's ability to safely perform job functions.
- j. Urine specimens will be collected by the testing laboratory in one container. The urine sample will be obtained directly in a tamper-resistant urine bottle, or in a wide-mouthed clinic specimen container, which shall remain in full view of the employee until transferred to, sealed, and initialed on a tamper-resistant urine bottle.

Immediately after the specimen is collected, the urine bottle shall, in the presence of the employee, be labeled and then initialed by the employee. The container shall be sent to the testing laboratory on that day or the earliest business day by the fastest available method. The same procedure shall be followed for a blood test. Before conducting the test the laboratory will separate the collected sample into two separate containers. One of the two samples will be sealed and retained by the laboratory in the event a second test is needed.

- k. The results of the drug and alcohol test will be returned to Human Resources which will be responsible for informing the appropriate department head and the employee of the test results. An employee who has tested positive may request the County to conduct a second test to confirm the test results. The results of the second test will be controlling. The County will pay for all testing.
 - l. Before imposing discipline an employee will be provided the opportunity to explain positive test result(s). If a drug test is positive, the employee must provide, within 3 days of the request, a valid prescription, verification from the individual's physician for a valid prescription, and/or a written explanation of the positive test results.
4. Employees Who Test Positive/Opportunity for Rehabilitation
- a. An employee who has tested positive to a drug and/or alcohol test will be considered for disciplinary action up to and including termination.

County of Yolo

Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

- b. First-time offenders who test positive may be given the opportunity, at the County's discretion, to participate in a rehabilitation program in conjunction with the disciplinary action. A written agreement to unannounced drug and/or alcohol testing will be required to qualify for participation in such a rehabilitation program, which will need the employees consent to unannounced testing as a condition of continued employment.
- c. Employees, who have tested positive on a drug or alcohol test while on the job or while on assigned standby duty, may be subjected to unannounced testing for a period of up to one year. Such employees may be tested as stipulated in a written agreement between the employee and the County containing the provisions for continued employment. An employee who tests positive for drugs or alcohol while participating in a written "last chance" agreement will be subject to termination.
- d. Disciplinary action will not be taken against an employee who voluntarily admits having a problem with alcohol or drug abuse, provided that the admission occurs prior to a determination that the employee should be tested. Voluntary admission does not prohibit testing as stipulated in a written agreement between the County and the employee. An employee who voluntarily admits having a problem with alcohol or drug abuse will be encouraged to attend the Employee Assistance Program for counseling or rehabilitation treatment. Such an employee may use accrued sick leave to attend a County approved rehabilitation program. Employees can avail themselves of this provision for voluntary admission no more than once every three years.

J. CONFIDENTIALITY

- 1. Laboratory reports or test results shall not appear in an employee's personnel folder. Information of this nature will be contained in a separate confidential folder that will be securely kept under the control of the Assistant CAO-Human Resources.
- 2. All information from an employee's or applicant's drug and alcohol test is confidential and will be disclosed only to the employee, applicant, department head, or the department head's designee responsible for receiving this information on a need-to-know basis.
- 3. There will be one person in the Human Resources Department who will be designated to receive testing results. He/she will notify department heads or their designees strictly on a need-to-know basis.
- 4. Every reasonable effort will be made to ensure that all employee substance abuse problems will be discussed in private and actions taken will not be made known to anyone other than those directly involved in taking the action or who are required to be involved in the disciplinary procedure.

County of Yolo
Administrative Policies and Procedures Manual

TITLE: DRUG & ALCOHOL POLICY AND TESTING PROCEDURE	DEPARTMENT: HUMAN RESOURCES
TYPE: POLICY	DATE: MAY 1, 1994

H. DEVIATIONS FROM POLICY

Deviations of this policy and its application should be reported to the Assistant CAO-Human Resources or the Affirmative Action Coordinator for a final determination.

Copies of this policy will be made available to all employees.

I. FORMS

"Checklist for Supervisors" and "Sample Notice Letter" forms are available from the Human Resources Agency.